

REMARKS

Applicant acknowledges with gratitude the withdrawal of all rejections earlier made in the Office Action of 7/27/04 under Conkwright and the issuance of this new Non-final Action.

Claims 1-3, 5, 6, 10, 14-16, 18-20, 23, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Hoff et al. (U.S. Pat 6272536 B1) and Gilmour et al. (6115709), and claims 4 and 17 are rejected under 35 U.S.C. 103(a) in further view of Snell, and claims 8, 9, 11-13, 21, 22, 24-26, and 30-31 under 35 U.S.C. 103(a) further in view of Herz.

Turning to the rejection of claims 1, 6, 10, 14, 19, 20, 23, 27 and 28 under van Hoff et al. in view of Gilmour et al., the action fails to make out a *prima facie* case of obviousness. Specifically, at page 4 of the Action, the Action admits that van Hoff et al. fail to disclose a data content module for maintaining identities of available data content wherein said identities contain parameters corresponding to said available data content, a correlation module for correlating said gathered information with said available data content to produce a set of content corresponding to said gathered information, and for directing said content to said end user. And said correlation module resides in said end user's computer.

The Action then goes on to assert, "However, in Abstract, col. 9, lines 20-67, col. 10, lines 45-55, col. 12, lines 15-40, thereof, Gilmour et al. disclose(s) data collection and analysis in a privacy-secure space with passive-private secure data collection. It would be obvious to one of ordinary skill in the art to modify the invention of van Hoff et al. based on the teachings of Gilmour et al."

However, nothing in the applied art of Gilmour et al. describes or shows available identities of data content wherein said identities contain parameters corresponding to said available data content and a correlation module for correlating the gathered information with the available data content to produce a set of content corresponding to the end user. And more importantly, nothing in this rejection of claims 1, 6, 10, 14, 19, 20, 23, 27 and 28 asserts that Gilmour et al. does describe this subject matter. Gilmour et al, it is argued in the Office Action, disclose data collection and analysis in a privacy-secure space with passive-private secure data collection. Whether or not this is true is beside the point. This is not the claimed subject matter

and does not bridge the gap between van Hoff et al. and the claimed subject matter, and no *prima facie* case of obviousness has thus been made.

Applicant respectfully asks this rejection be withdrawn and the case allowed to issue. Applicant notes that all other rejections are to dependent claims and therefore overcome by the above remarks.

For the above reasons, Applicant respectfully requests allowance of all claims.

Applicant believes a fee is due with this response. Please charge our Deposit Account No. 18-1945, under Order No. SIMU-P01-003 from which the undersigned is authorized to draw.

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Respectfully submitted,

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